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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,756	07/15/2003	Hagen Eck	13905-021001 / 2003P00355	7390
22852	7590	05/23/2007	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			CRABTREE, JOSHUA DAVID	
			ART UNIT	PAPER NUMBER
			3714	
			MAIL DATE	DELIVERY MODE
			05/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/619,756	ECK ET AL.	
	Examiner	Art Unit	
	Joshua D. Crabtree	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-41, 44-51, 54-61 and 64-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-41, 44-51, 54-61, and 64-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/20/2007 has been entered. Claims 1-37, 42, 43, 52, 53, 62, and 63 have been cancelled. Claims 38-41, 44-51, 54-61, and 64-70 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 38-41, 44-46, 48-51, 54-56, 58-61, and 64-66, and 68-70 are rejected under 35 U.S.C. 102(b) as being anticipated by Eisendrath et al. (US 6,347,333).

With regard to claims 38, 48, and 58 and the limitations of receiving, by a server, metadata for a course catalog from the external system, presenting the course catalog to a user of the server, wherein the course catalog describes courses hosted by the external

system, and receiving, from the user, a selection of at least one course from the courses hosted by the external system, Eisendrath et al. disclose a network-based educational system (Fig. 2; Col. 1:54 – Col. 2: 67). A user may view a course catalog (Col. 6: 27-59; Col. 7: 43-50), and participate in educational courses (Col. 1: 11-22; Col. 1: 54-8).

With regard to claims 38, 48, 58, 68, and 69, and the limitation of transmitting a track command that tracks the user activity through the at least one selected course, and receiving a response to the track command, wherein the response comprises at least two of a percentage of material from the at least one selected course that has been viewed by the user, a test score associated with material from the at least one selected course, and an amount of time spent viewing material in the at least one electronic course by the user, and the limitation of front end receiving responses to the commands including a response relating to progress through the electronic course (as in claim 69), Eisendrath et al. disclose that a student's academic progress through course modules, as well as grades may be tracked and displayed, and that a student may view information pertaining to certificates or modules completed (i.e., a score and amount of material viewed) (Col. 1: 65 – Col. 2: 9; Col. 8: 21-52; See also claim 21).

With regard to claim 68, and the limitation of a learning portal that runs software to view the electronic course, Eisendrath et al. disclose that a user may interact with the virtual university via a Web browser (Figs. 5-11).

With regard to the limitation of a front end that exchanges communications with the external system to obtain access to the electronic course, or a front end to mediate

access to an electronic course that is hosted by an external system that is not part of the ELS, and wherein the front end interacts with the external system through a series of commands that contain identification and control information for use by the external system (as in claim 69), Eisendrath et al. disclose a Virtual University Server, which may communicate with an additional module content server (Items 231 and 244 in Fig. 2).

With regard to claims 68 and 69, and the limitation of a back end that stores information that relates to the electronic course, wherein the stored information comprises metadata that comprises a course catalog for the electronic course, and the course catalog describes courses hosted by the external system and includes a description of material in the courses, and further wherein the back end obtains the metadata from the external system, and the limitation of a back end to maintain information on the ELS about the electronic course, wherein the stored information comprises metadata that comprises a course catalog for the electronic course and the course catalog describes courses hosted by the external system and includes a description of material in the courses, and further wherein the back end obtains the metadata from the external system (as in claim 69), Eisendrath et al. disclose that an additional server, as well as a module content server may act as database subsystems in the network (Items 232 and 244 in Fig. 2; Col. 4: 59 – Col. 5: 53).

With regard to claims 39, 49, and 59, and the limitation wherein the step of communicating comprises transmitting a register command that registers the user with the external system, Eisendrath et al. disclose that a student may register and pay for

classes online (Col. 2: 22-35). Additionally, Eisendrath et al. disclose that a student may log in to a course, which would also be analogous to registering a user with the external system (Col. 9: 7-17).

With regard to claims 40, 50, 60, and the limitation wherein the step of communicating comprises transmitting an enroll command that enrolls the user in the selected course, Eisendrath et al. disclose that a student may enroll in courses online (Col. 7: 34-57).

With regard to claims 41, 45, 51, 55, 61, and 65, and the limitations wherein the step of communicating comprises transmitting a launch command that launches the selected course (as recited in claims 41, 51, 61), and wherein content of the selected course is displayed in response to the launch command (as recited in claims 45, 55, 65), Eisendrath et al. disclose that a user may be provided with network access to course content (Col. 5: 66 -Col. 6: 2; Col. 9: 7-17).

With regard to claims 44, 46, 54, 56, 64, and 66, and the limitation wherein content of the courses hosted by the external system are stored in servers maintained by the external system (as in claims 44, 54, 64), and wherein the step of communicating comprises transmitting commands from the server to the external system and receiving replies from the external system (as in claims 46, 56, 66), Eisendrath et al. disclose that the invention may be implemented via a communications network of client computers connected to a host server (Col. 4: 59 - Col. 6: 53; Fig. 2).

With regard to claim 70, and the limitation of a first electronic learning system (ELS) that hosts an electronic course, Eisendrath et al. disclose a Virtual University server (Item 231 in Fig. 2).

With regard to the second ELS that presents a course catalog to a user of the second ELS, wherein the course catalog describes courses hosted by the first ELS, Eisendrath et al. disclose that user may view a course catalog (Col. 6: 27-59; Col. 7: 43-50), and interact with the Virtual University via a Web browser interface (Figs. 5-11).

With regard to the limitation wherein the second ELS accesses the course over a network via a series of commands and responses, Eisendrath et al. disclose that the client computers, host server, and database subsystems are all connected in a communications network, as previously described (Fig. 2; Col. 4: 59 – Col. 5: 53).

With regard to the features of a register command, enroll command and response thereto, Eisendrath et al. disclose these features, as previously described. With regard to the response to the launch command being transmitted from the first ELS to the second ELS following receipt of the launch command by the first ELS, the response making accessible material from the course to the second ELS, Eisendrath et al. disclose that the client computers, host server, and database subsystems are all connected in a communications network, as previously described (Fig. 2; Col. 4: 59 – Col. 5: 53).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 47, 57, 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eisendrath et al. in view of Linderman (US 2002/0032790).**

With regard to claims 47, 57, and 67, Eisendrath et al. do not disclose transmission of commands in accordance with SOAP protocol. Linderman teaches an object-oriented communications system over the Internet, which utilizes the SOAP protocol. Linderman teaches that SOAP offers the advantage of allowing network elements to be remotely controlled beyond a firewall (Paragraph [0019]). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Linderman into the invention of Eisendrath et al. in order to provide the aforementioned advantage.

Response to Arguments

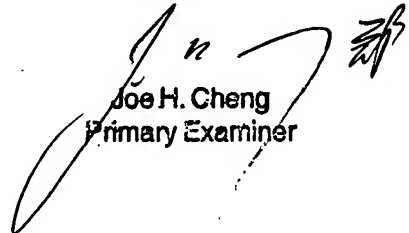
4. Applicant's arguments with respect to claims 38-41, 44-51, 54-61, and 64-70 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Crabtree whose telephone number is 571-272-8962. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Joe H. Cheng
Primary Examiner

Joshua D. Crabtree
May 7, 2007